

**IN RE: LUIS FRANCISCO GONZALEZ COLON**  
**MARILYN RODRIGUEZ RIOS**

Bankruptcy Number:14-08398-BKT  
**Chapter 13**

**TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325**

\*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: JOSE A LEON LANDRAU\*

Total Agreed: \$3,000.00      Paid Pre-Petition: \$0.00      Outstanding (Through the Plan): \$3,000.00

\*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor(s) Income is (are) ☐ Under ☒ Above Median Income      Liquidation Value: \$0.00

Commitment Period is ☐ 36 months ☒ 60 months §1325(b)(1)(B)      General Unsecured Pool: \$0.00

With respect to the (amended) Plan date: Dec 03, 2014 (Dkt 24)      Plan Base: \$23,460.00

The Trustee: ☐ DOES NOT OBJECT ☒ OBJECTS Plan Confirmation      Gen. Uns. Approx. Dist.: 0.4 %

The Trustee objects to confirmation for the following reasons:

[1325(a)(6)] Payment Default Feasibility – Debtor(s) is in default with proposed plan payments, to the trustee and/or creditor(s).

Debtor is one month, or \$200.00, in arrears with the Trustee. The pending payment pertains to the month of December 2014; which became due on the 9th day of the month.

[1325(a)(8)] DSO Payment Default – Debtor(s) is in default with postpetition DSO payments.

Debtor has failed to submit evidence of being current with post petition DSO payments. Debtor must submit evidence of being current with such obligation up until the confirmation of the plan.

\*OTHER COMMENTS / OBJECTIONS

As per Debtor's amended Schedule I, Debtor's business is underwater. Debtor loses \$212.00 in the operation of the same. Debtor has failed to establish that operating said business is needed for his reorganization.

Debtor has failed to submit last annual statement for Pitsa Corp.

Debtor has failed to add rent income to other income in the amended Means Test. The pool, if any, is yet to be determined. Debtor appears to be an above median income Debtor with a commitment period of 60 months.

LA FAMILIA PAWN, alleged secured creditor provided for in the case, is yet to file its proof of claim. Said creditor will not participate from the disbursements until it files its claim. In absence of such claim Debtor must submit evidence of the secured status of said creditor in order to confirm that the treatment being provided does not constitute unfair discrimination against other parties in the case.

**CERTIFICATE OF SERVICE:** The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.  
**CHAPTER 13 TRUSTEE**  
PO Box 9023884, San Juan PR 00902-3884  
Tel. (787)977-3535 Fax (787)977-3550

Date: December 10, 2014

/s/ Nannette Godreau, Esq.

Last Dkt.: 32  
Last Claim: 6